

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2015 DEC -2 PM 1:34

ORIGINAL

UNITED STATES OF AMERICA

NO. 3:14-CR-489 DEPUTY CLERK *(2nd)*

v.

JAMES MAINES, JR.

FACTUAL RESUME

James Maines, Jr., (the defendant), Warren St. John (the defendant's attorney), and the United States of America (the government) agree to the law and facts as follows:

ELEMENTS OF THE OFFENSES

Count Three
Receipt of Child Pornography
(Violation of 18 U.S.C. § 2252A(a)(2))

In order to establish the offense alleged in Count Three of the Superseding Indictment, the Government must prove the following elements beyond a reasonable doubt:

- First: That the defendant knowingly received child pornography as alleged in the Indictment; and
- Second: That the child pornography had been mailed, or shipped, or transported in interstate or foreign commerce by any means, including by computer.

STIPULATED FACTS

On or about February 25, 2010, in the Dallas Division of the Northern District of Texas, the defendant, **James Maines, Jr.**, knowingly received child pornography as

defined in 18 U.S.C. § 2256(8), using any means and facility of interstate and foreign commerce, including by computer, by using email and the Internet to receive child pornography including the following image files:

File name	Description
2-1.jpg	Image depicting a female minor child who is not wearing a shirt. The child's mouth is placed on an adult male's genital area. The male has a white colored material over his stomach.
2-2.jpg	Image depicting a female minor child who is not wearing a shirt. The child's mouth and hands are placed on an adult male's penis. A white sheet is visible in the image.
2-3.jpg	Image depicting a female minor child. A male is penetrating her genitals with his penis.

1. Specifically, on November 12, 2012, AOL submitted a CyberTipline Report to the National Center for Missing and Exploited Children (NCMEC) that someone with the email account junkiecat@aol.com, later identified as James Maines, Jr., had attempted to forward 5 images of child pornography to an email account belonging to the United States House of Representatives. AOL blocked the images from actually being transmitted. The investigation was initially handled by the FBI in Washington D.C. but was later transferred to the FBI in Dallas, Texas.

2. Based on the NCMEC lead, and other investigation by the FBI,

junkiecat@aol.com was linked to James Maines, Jr., who had an address in Mesquite, Texas, which is located in the Northern District of Texas. On September 27, 2013, SA Marya Wilkerson and other members of the FBI, conducted a “knock and talk” at Maines’ residence in Mesquite, Texas. Maines was present when agents arrived and he agreed to speak with the agents. He admitted that he had used the email address junkiecat@aol.com., but that AOL had shut this account down. Maines admitted that he had received child pornography from a guy he knew as “Jerry.” Specifically, he said Jerry had told him he had child pornography and Maines said, “cool, send it on.” He said he knew that it was illegal to receive and possess child pornography and that the images Jerry had sent him were of prepubescent females involved in sexual acts. He also admitted that he had attempted to forward child pornography to his government email account in November 2012. Maines gave written consent for the agents to seize his computers and search them. The FBI seized 14 items to search and transferred them to the FBI for forensic analysis.

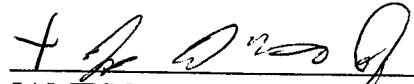
3. Forensic analysis of the Hitachi hard drive that was found in Maines’ HP Compaq desktop computer resulted in the discovery of 17 images of child pornography located in a user created folder named, “Temp1.” Additionally, 11 images were located in Maines’ AOL email account. Further, forensic analysis of his seized Maxtor hard drive resulted in finding six images of child pornography that had been downloaded as early as 2004.

4. Maines admits that on the date that the FBI conducted the “knock and talk” on

September 27, 2013, that he knowingly had 17 images of child pornography on his computer hard drive. Some of the images he collected on his hard drive depict sadistic and/or violent content. He also agrees that the images in Count Three are accurately described, including the fact that they depict actual minors engaged in sexually explicit conduct or the lewd and lascivious exhibition of the genitals as defined by 18 U.S.C. § 2256(8). He admits that he knowingly received the child pornography images described in Count Three from the Internet, on or about February 25, 2010, and that the Hitachi hard drive was manufactured outside the State of Texas.

21
AGREED TO AND SIGNED this _____ day of December, 2015.

JOHN R. PARKER
UNITED STATES ATTORNEY


JAMES MAINES, JR.
Defendant


WARREN ST. JOHN
Attorney for the Defendant


CAMILLE E. SPARKS
Assistant United States Attorney
Texas State Bar No. 00790878
1100 Commerce Street, Third Floor
Dallas, Texas 75242
Telephone: 214.659.8600
Facsimile: 214.659.8809
Email: Camille.Sparks@usdoj.gov